



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

Jesus David GARCIA,

Defendant.

Magistrate Case No.: 08MJ8185

COMPLAINT FOR VIOLATION OF

21 U.S.C. § 952 and 960

Importation of a Controlled Substance
(Felony)

The undersigned complainant being duly sworn states:

On or about February 28, 2008, within the Southern District of California, defendant Jesus David GARCIA did knowingly and intentionally import approximately 42.22 kilograms (92.88 pounds) of marijuana, a Schedule I Controlled Substance, into the United States from a place outside thereof, in violation of Title 21, United States Code, Sections 952 and 960.

The complainant states that this complaint is based on the attached Statement of Facts incorporated herein by reference.


Special Agent
U.S. Immigration & Customs
Enforcement

SWORN TO, BEFORE ME, AND SUBSCRIBED IN MY PRESENCE THIS 29th
DAY OF FEBRUARY 2008.


Peter C. Lewis
U.S. MAGISTRATE JUDGE

1 UNITED STATES OF AMERICA

2 v.

3 Jesus David GARCIA

4 STATEMENT OF FACTS

5 This complaint is based upon the personal observations, investigation and
6 information provided to U.S. Immigration and Customs Enforcement Special Agent
7 Timothy Henderson.
8

9 On February 28, 2008, at approximately 04:40 hours, Jesus David GARCIA
10 made entry into the United States from Mexico through the Calexico, California West
11 Port of Entry. GARCIA was the driver and sole occupant of a 1995 Mitsubishi
12 passenger car, registered to another individual.
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14 Customs and Border Protection Officer (CBPO) J. Rodriguez was working
15 Primary Lane nine (9) at the Port of Entry when GARCIA made entry into the United
16 States. CBPO Rodriguez received a negative Customs declaration from GARCIA.
17 GARCIA stated that the Mitsubishi belonged to him. GARCIA first claimed he had gone
18 to Mexico to visit his girlfriend; he then claimed he was visiting a few girls in Mexicali.
19 CBPO Rodriguez referred GARCIA to secondary.
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21 In secondary, CBPO Y. Siqueiros continued the inspection of GARCIA. CBPO
22 Siqueiros took a second negative Customs declaration from GARCIA. GARCIA stated
23 he had owned the vehicle for a few months. GARCIA said that he had been in Mexico
24 for two (2) days. When asked, GARCIA stated he stayed with "a friend, hotel."
25 GARCIA then stated that the first night he stayed with a friend and the second night he
26 stayed in a hotel.
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1 CBPO Siqueiros requested that CBP Canine Enforcement Officer (CEO) B.
2 Pyburn use his Narcotic Detector Dog (NDD) to screen the Mitsubishi. The NDD
3 alerted to the odor of a controlled substance in the area of the driver side rear quarter
4 panel of the vehicle. CEO Pyburn advised CBPO Siqueiros of the alert.

5 A search of the Mitsubishi resulted in the discovery packages within the vehicle.
6 A total of 30 cellophane wrapped packages were recovered from the Mitsubishi. The
7 packages contained a green leafy substance. CBPO Siqueiros removed a sample from
8 one of the packages. This sample field-tested positive for marijuana. The combined
9 weight of the packages was 42.22 kilograms.
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11 Special Agent (S/A) Timothy Henderson interviewed GARCIA. S/A Henderson
12 read GARCIA his constitutional rights per Miranda in English. GARCIA orally waived
13 his rights, as well as signing the written waiver of rights, agreeing to make a statement.
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15 GARCIA stated that he had been in Mexicali, Mexico with three (3) females.
16 According to GARCIA, these females gave him the vehicle to drive. GARCIA said that
17 he knew nothing about the controlled substances in the vehicle.
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